

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jon Swanson et al.
Serial No.: 10/718,198
Conf. No.: 9804
Filed: November 20, 2003
For: DATA STREAM COMMUNICATION
Art Unit: 2416
Examiner: Patel, Chandras B.

RESPONSE F

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowance mailed on March 10, 2009, Applicant submits a Request for Continued Examination herewith including a Supplemental IDS. The IDS identifies a U.S. Patent reference that has not been previously disclosed in this matter, and also lists a non-patent reference ("Avaya Multipoint Conferencing Unit" referred to herein as the "Avaya reference") that was originally disclosed in the IDS filed in this case on December 8, 2004.

The Avaya reference was previously submitted in this matter when the December 2004 IDS was first filed, and therefore need not be re-submitted. In reviewing the file, however, it is noted that the 1449 form of the December 2004 IDS as received from the Patent Office together with the June 27, 2007 Office Action fails to confirm that this Avaya reference was considered by the Examiner (Examiner's initials are not marked by reference confirming review). It is assumed that this was an oversight. The Avaya reference is re-

listed on the attached Supplemental IDS to avoid any confusion and confirm that it has been considered. It is requested that the Examiner confirm the same by initialing the enclosed 1449 form.

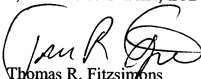
Applicant respectfully requests timely consideration and issuance of a new Notice of Allowance. Timely consideration is appropriate given the already extensive prosecution that has occurred over almost 6 years that this application has been pending for.

If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely. The Commissioner is hereby authorized to charge fees which may be required to this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By


Thomas R. Fitzsimons
Registration No. 40,607

June 9, 2009

Suite 2500
300 South Wacker Drive
Chicago, Illinois 60606
(312) 360-0080
Customer No. 24978
P:\DOCS\0920\68318\EL5734.DOC